

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THE CONNECTORS REALTY GROUP
CORPORATION,

Plaintiff,

v.

STATE FARM FIRE & CASUALTY
COMPANY,

Defendant.

Case No. 19-cv-00743

Honorable Charles P. Kocoras

**STATE FARM FIRE AND CASUALTY COMPANY’S MOTION TO
STRIKE CLASS ALLEGATIONS (COUNT XIII)**

Pursuant to Federal Rule of Civil Procedure 23(d)(1)(D), Defendant State Farm Fire and Casualty Company (“State Farm”) respectfully moves this Court to strike the class allegations found in Count XIII of the Amended Class Action Complaint (corrected) (Dkt. 24). In support of this Motion, State Farm states as follows:

1. Plaintiff The Connectors Realty Corporation (“Connectors”) seeks to assert claims for alleged violations of 42 U.S.C. §§ 1981 and 1982 (“Sections 1981 and 1982”) and the Fair Housing Act (“FHA”), 42 U.S.C. § 3604(a) and (b), on behalf of the following proposed class:

All African-Americans in the State of Illinois who reside in majority African-American ZIP Code areas and have submitted claims for property loss and damage to State Farm during the period 2015 to the present.

2. This proposed class is facially overbroad and cannot be certified because it includes numerous persons who could not have been harmed by State Farm’s alleged conduct.

3. In addition, Connectors is not an adequate class representative, as required by Rule 23(a)(4), given State Farm’s assertion of both a counterclaim and affirmative defenses based on

Connectors' fraud, and Connectors has not identified any question that is common to all members of the proposed class, as required by Rule 23(a)(2).

4. Connectors also cannot meet the predominance requirement of Rule 23(b)(3) because, even if a common question existed, it would be overwhelmed by the need for individual, fact intensive inquiries to determine liability, as the Court's dismissal of the claims asserted by former plaintiff Antoine Nash attests.

5. Finally, Connectors cannot maintain this case as a class action pursuant to Rule 23(b)(2) because the Complaint seeks monetary damages that are not merely incidental to requested injunctive or declaratory relief.

6. In further support of its motion, State Farm files herewith its accompanying Memorandum of Law.

WHEREFORE, State Farm respectfully requests that the Court strike Count XIII of the Amended Class Action Complaint (corrected) and grant any other relief the Court deems just and proper.

Dated: September 29, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, undersigned counsel, certify that on September 29, 2020 I filed a copy of the foregoing document electronically using the Court's CM/ECF system, which will generate notice of this filing to all counsel of record.

/s/ Sondra A. Hemeryck